



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on November 7, 2006

Date of Meeting: September 6, 2006

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 6:05 p.m. on Wednesday, September 6, 2006 all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Pro-Tempore West and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4 (Electronic Attendance)
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Carol W. West	Mayor Pro-Tempore, Vice Mayor, Council Member Ward 2

Absent/Excused:

Robert E. Walkup	Mayor
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Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Mike Letcher	Deputy City Manager

Kathleen S. Detrick, City Clerk, announced Council Member Scott was unable to be present at the meeting and would be participating by telephone. She said this was allowable under the Mayor and Council Rules and Regulations. Council Member Scott had advised the City Clerk of her location and that no one else was present in the room. She stated Council Member Scott would be watching the meeting by television and a conference telephone was in place that would allow her full participation in the meeting. Ms. Detrick said Council Member Scott could vote on all matters in the same way as those members physically present, as long as she participated in any discussion, and was not just present for the vote. She said all votes would be taken by roll call, rather than voice vote.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Father Alonzo Garcia, St. Augustine Cathedral, after which the pledge of allegiance was led by Girl Scout Troop 120.

Presentations:

- a. Mayor Pro-Tempore West proclaimed October 2006 to be "Meth Free Month." Captain David Neri from the Tucson Police Department was present to accept the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro-Tempore West announced City Manager's communication number 448, dated September 6, 2006 would be received into and made a part of the record. She also announced this was the time scheduled to allow members of the Mayor and Council to report on current events, and asked if there were any reports.

- a. Council Member Uhlich announced she, Council Member Trasoff, and Mayor Walkup would be co-hosting a Welcome Reception for the new President of the University of Arizona, Dr. Robert Shelton. The event would be held on September 25, 2006 at the Northwest Neighborhood Center.
- b. Council Member Scott thanked staff and Channel 12 for making it possible for her to attend by electronic means.
- c. Council Member Trasoff offered her congratulations to the Tucson Sidewinders, Division Champion, and wished them well as they continued on in the tournament.
- d. Mayor Pro-Tempore West invited the public to attend a Town Hall at the Ward 2 office at 7575 E. Speedway, on September 13, 2006, on the Cox Cable license re-negotiation. This would be an opportunity for the public to provide input.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro-Tempore West announced City Manager's communication number 449, dated September 6, 2006, would be received into and made a part of the record. She also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Hein, City Manager, reported:

- a. The City of Tucson was a finalist for the 2006 National League of City Awards for Municipal Excellence for the online auction program and the Pennington Street Garage. These projects received national recognition, and were listed in the September 4, 2006, edition of the Nation's Cities Weekly. He said the winners would be announced at the end of October, with awards being presented in December at the Congress of Cities Conference.
- b. The water dancing program at the Edith Ball Adaptive Recreation Center in Tucson received a 2006 Outstanding Aquatics Program Award, presented by the Arizona Parks and Recreation Association. The class was a dance-based resistance workout designed for individuals of all ability levels and was part of the Parks and Recreation leisure class curriculum.
- c. Channel 12 won "Station of the Year" honors for the eighth time in eleven years at the 2006 NATOA (National Association of Telecommunications Officers and Advisors) conference held recently in Orlando. Tucson 12 was presented with eleven additional awards including first place in Public Education for "Tucson Recycles, Blue Barrel 101," and first place in Community Awareness for "The Beat."
- d. Tucson 12 was now offering a new service to the community. Viewers could chose S.A.P. audio on their remote control to hear a live Spanish translation of Mayor and Council meetings. He also announced Tucson 12 University of Arizona student intern, Chanel Eakin, recently accepted a job as an editor at ESPN Sports Center.
- e. Mr. Hein provided an update on the health status of firefighters and police officers who were injured during the course of duty over the weekend.

5. LIQUOR LICENSE APPLICATIONS

Mayor Pro-Tempore West announced City Manager's communication number 446, dated September 6, 2006, would be received into and made a part of the record. She asked the City Clerk to read the Liquor License Agenda.

b. New License

1. Park Ave Shell, Ward 5
880 E. Benson Hwy.
Applicant: Khalid Mahmood
Series 10, City 81-06
Action must be taken by: September 16, 2006
Staff has indicated the applicant is in compliance with city requirements.
2. Los Beto's Mexican Food, Ward 4
7203 E. Golf Links Rd.
Applicant: Martha Magdalena Davila
Series 12, City 82-06
Action must be taken by: September 17, 2006
Staff has indicated the applicant is in compliance with city requirements.
Considered separately.
3. Arco AM/PM, Ward 5
2450 E. Valencia Rd.
Applicant: Wagih William Kamar
Series 10, City 84-06
Action must be taken by: September 17, 2006
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

1. St. Demetrios Greek Orthodox Church, Ward 3
1145 E. Ft. Lowell Rd.
Applicant: Susan Parker-Hotchkiss
City T35-06
Date of Event: September 21-24, 2006
Fundraising
Staff has indicated the applicant is in compliance with city requirements.
2. St. Melany Byzantine Catholic Church, Ward 6
1212 N. Sahuara
Applicant: Clifford A. Franzen
City T36-06
Date of Event: October 6 & 7, 2006
Fundraiser
Staff has indicated the applicant is in compliance with city requirements.

3. Escaramuza "Flor de Primavera", Ward 5
4823 S. 6th Ave.
Applicant: Francisco J. Celaya
City T37-06
Date of Event: September 15, 2006
Mex. Independence Anniversary/Entertainment & Educate Mex. Culture
Staff has indicated the applicant is in compliance with city requirements.
4. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T42-06
Date of Event: September 16, 2006
U of A Football Home Tailgate Party
Public Opinion: Protests Filed
Staff has indicated the applicant is in compliance with city requirements.
Considered separately.
5. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T43-06
Date of Event: September 23, 2006
U of A Home Football Tailgate Party
Public Opinion: Protests Filed
Staff has indicated the applicant is in compliance with city requirements.
Considered separately.
6. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T44-06
Date of Event: September 30, 2006
U of A Home Football Game Tailgate Party
Public Opinion: Protests Filed
Staff has indicated the applicant is in compliance with city requirements.
Considered separately.
7. Tucson Lesbian & Gay Alliance, Inc. d.b.a. Tucson Pride Inc., Ward 6
DeMeester OPC, Reid Park
Applicant: Carol Lynn Sayler
City T49-06
Date of Event: October 14, 2006
Pride in the Desert Annual LBGT Pride Festival
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change

NOTE: There are no agent changes scheduled for this meeting.

It was moved by Council Member Trasoff, duly seconded, to forward liquor license applications 5b1, 5b3, 5c1 through 5c3, and 5c7 to the Arizona State Liquor Board with a recommendation for approval.

Mayor Pro-Tempore West asked if there was any discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;
Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

It was carried by a roll call vote of 6 to 0 (Mayor Walkup absent/excused), to forward liquor license applications 5b1, 5b3, 5c1 through 5c3, and 5c7 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. New Licenses

2. Los Beto's Mexican Food, Ward 4
7203 E. Golf Links Rd.
Applicant: Martha Magdalena Davila
Series 12, City 82-06
Action must be taken by: September 17, 2006
Staff has indicated the applicant is in compliance with city requirements.

Kathleen S. Detrick, City Clerk, announced the first item to be considered separately was Item 5b2, Los Beto's Mexican Food. Staff indicated the applicant was in compliance, however Council Member Scott requested this item be considered separately.

Council Member Scott said she was concerned about this kind of eating establishment because it had a drive-thru window. She said the application was for a Series 12 license, which meant customers could purchase hard liquor. Her concern was that the restaurant was a drive-thru, and she anticipated granting this license would allow for other issues to arise. She acknowledged there were no legal grounds for recommending denial.

It was moved by Council Member Scott, duly seconded, to forward liquor license application 5b2 to the Arizona State Liquor Board with no recommendation.

Kathleen S. Detrick, City Clerk, asked the applicant was present and if they would like to address the Council. The applicant was not present.

Mayor Pro-Tempore West asked if there was any discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;
Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

It was carried by a roll call vote of 6 to 0 (Mayor Walkup absent/excused), to forward liquor license applications 5b2 to the Arizona State Liquor Board with no recommendation.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event

4. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T42-06
Date of Event: September 16, 2006
U of A Football Home Tailgate Party
Public Opinion: Protests Filed
Staff has indicated the applicant is in compliance with city requirements.
5. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T43-06
Date of Event: September 23, 2006
U of A Football Home Tailgate Party
Public Opinion: Protests Filed
Staff has indicated the applicant is in compliance with city requirements.

6. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T44-06
Date of Event: September 30, 2006
U of A Football Home Tailgate Party
Public Opinion: Protests Filed
Staff has indicated the applicant is in compliance with city requirements.

Kathleen S. Detrick, City Clerk, announced Item 5c4, 5c5 and 5c6, Kingdom Investment Foundation of Tucson, would be considered separately. Staff indicated the applicant was in compliance, however protests were filed, and the license is located in Ward 6.

It was moved by Council Member Trasoff, duly seconded, that liquor license applications 5c4, 5c5 and 5c6, be continued for one week.

Mayor Pro-Tempore West asked if there was any discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;
Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

It was carried by a roll call vote of 6 to 0 (Mayor Walkup absent/excused), that liquor license applications 5c4, 5c5 and 5c6 be continued for one week, to the meeting of September 12, 2006.

6. CONSENT AGENDA – ITEMS A THROUGH Y

Mayor Pro-Tempore West announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. She asked the City Clerk to read the Consent Agenda.

A. SURPLUS PROPERTY: DONATION OF BICYCLES TO THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY

1. Report from City Manager SEPT6-06-447 CITY-WIDE

B. SURPLUS PROPERTY: DONATION OF MISCELLANEOUS SURPLUS PROPERTY TO THE MEDICAL RESERVE CORPS OF SOUTHERN ARIZONA

1. Report from City Manager SEPT6-06-445 CITY-WIDE

C. ASSURANCE AGREEMENT: (S05-071) LOFTS AT FIFTH AVENUE, A SUBDIVISION, 130 CONDOMINIUM UNITS AND COMMON ELEMENTS "A", "B-1" TO "B-7" AND LIMITED COMMON ELEMENTS "C-1" TO "C-7"

1. Report from City Manager SEPT6-06-453 WARD 6
2. Resolution No. 20434 relating to planning: authorizing the Mayor to execute an assurance agreement securing the completion of improvements required in connection with the approval in Case No. S05-071 of a final plat for the Lofts at Fifth Avenue Subdivision, Unit Nos. 110-170, 221, 245-247, 255, 262, 265, 269, 270, 321, 345-348, 351, 355, 362, 365, 366, 368-370, 411-443, 448, 451-454 and 456-464; 130 Condominium Units and Common Elements "A", "B-1" thru "B-7", Limited Common Elements "C-1" – "C-7" and Limited Common Elements "C-110" – "C-170", "C-221", "C-245" – "C-247", "C-255", "C-262", "C-265", "C-269", "C-270", "C-321", "C-345" – "C-348", "C-351", "C-355", "C- 362", "C-365", "C-366", "C-368" – "C-370", "C-411" – "C-420", "C-421" – "C-427", "C-429" – "C-443", "C-448", "C-451" – "C-454", "C-456" – "C-461", "C-463" – "C-464", "C-110A" – "C-120A", "C-130A" – "C-133A", "C-142A" – "C-144A", "C-148A" – "C-151A", "C-155A" – "C-161A", "C-221A", "C-245A", "C-255A", "C-265A", "C-321A", "C-345A", "C-355A", "C-411A" – "C-426A", "C-429A" – "C-441A", "C-442A", "C-443A", "C-452A" – "C-454A", "C-456A" – "C-461A", "C-463A", "C-464A", "C-438B", "C-439B", "C-434B" – "C-437B", "C-440B", "C-441B", and "C-456B" – "C-459B"; and declaring an emergency.

As advised by Mike Rankin, City Attorney, in Study Session, this item would be continued, pending the completion of the appeal process underway.

D. FINAL PLAT: (S05-071) LOFTS AT FIFTH AVENUE, A SUBDIVISION, 130 CONDOMINIUM UNITS AND COMMON ELEMENTS "A", "B-1" TO "B-7" AND LIMITED COMMON ELEMENTS "C-1" TO "C-7"

1. Report from City Manager SEPT6-06-452 WARD 6

2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

As advised by Mike Rankin, City Attorney, in Study Session, this item would be continued, pending the completion of the appeal process underway.

E. FINANCIAL PARTICIPATION AGREEMENT: WITH TUCSON-PIMA ARTS COUNCIL

1. Report from City Manager SEPT6-06-454 CITY-WIDE
2. Resolution No. 20435 relating to Financial Participation Agreements; authorizing and approving the FY 2007 Financial Participation Agreement with Tucson-Pima Arts Council; and declaring an emergency.

Item E was considered separately at the request of Council Member Uhlich.

F. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH SOUTH TUCSON AND THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR SIDEWALK MAINTENANCE ON SIXTH AVENUE SOUTH OF THE I-10 BRIDGE

1. Report from City Manager SEPT6-06-443 WARD 5
2. Resolution No. 20436 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson, and South Tucson and the Arizona Department of Transportation for maintenance of the approach sidewalks on Sixth Avenue south of the I-10 bridge following completion of state-funded improvements; and declaring an emergency.

G. REAL PROPERTY: VACATION AND SALE OF PORTIONS OF ORACLE ROAD, DRACHMAN STREET, AND ALLEY RIGHT OF WAY TO SKYLIGHT PRODUCTIONS, LLC

1. Report from City Manager SEPT6-06-455 WARD 3
2. Ordinance No. 10314 relating to real property; vacating and declaring certain city owned real property to be surplus and authorizing the sale thereof to Skylight Productions, LLC; and declaring an emergency.

H. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE TUCSON CACTUS SENIOR SOFTBALL LEAGUE TO ASSIST IN PAYING FOR PARKS AND RECREATION EXPENSES

1. Report from City Manager SEPT6-06-457 WARD 1
2. Resolution No. 20437 relating to Finance; approving and authorizing the allocation of eight hundred thirty-two dollars (\$832) from the Community Support Fund, Account No. 001-183-1898-268, to the Tucson Cactus Senior Softball League (TCSSL) to assist in paying Parks and Recreation expenses incurred by the league; and declaring an emergency.

This is a request by Council Member Ibarra. Allocation of funds is as follows:
Council Member Ibarra - \$832.00

I. FINANCE: TRANSFER OF FUNDS FROM THE WARD 5 OFFICE BUDGET TO THE COMMUNITY SUPPORT FUND FOR THE 5TH ANNUAL BUDDY WALK

1. Report from City Manager SEPT6-06-458 WARD 5
2. Resolution No. 20438 relating to Finance; authorizing and approving the transfer of two hundred and fifty dollars (\$250) from the Ward Five Council Office budget to the Community Support Fund, Account No. 001-183-1898-268 to be disbursed to the 5th Annual Buddy Walk; and declaring an emergency.

J. FINANCE: TRANSFER OF FUNDS FROM THE WARD 5 OFFICE BUDGET TO THE COALITION FOR AFRICAN AMERICAN HEALTH AND WELLNESS TO HELP DEFRAY COSTS FOR THE PEOPLE OF COLOR HEALTH CARE FESTIVAL

1. Report from City Manager SEPT6-06-459 WARD 5
2. Resolution No. 20439 relating to Finance; approving and authorizing the transfer of two hundred and fifty dollars (\$250) from the Ward Five Council Office budget to the Community Support Fund, Account No. 001-183-1898-268, to be allocated to the Coalition for African American Health & Wellness to help defray costs for the People of Color Health Care Festival; and declaring an emergency.

K. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION HIGH INTENSITY DRUG TRAFFICKING AREA MULTI-AGENCY SURVEILLANCE TEAM

1. Report from City Manager SEPT6-06-464 CITY-WIDE

2. Resolution No. 20440 relating to grants; approving and authorizing execution of a Grant Agreement with the Arizona Criminal Justice Commission High Intensity Drug Trafficking Area (HIDTA) HT16-06-1412 Multi-Agency Surveillance Team (MAST) which will provide \$81,161 in federal funds for salaries and employee related expenses, overtime, travel, and services in conjunction with the HIDTA Multi-Agency Surveillance Team (MAST); and declaring an emergency.
- L. ZONING: (C9-06-22) DRACHMAN/ORACLE PAD – ORACLE ROAD, C-3 TO PAD-15, WAIVER OF MINIMUM ACREAGE REQUIREMENT FOR PAD DISTRICT
1. Report from City Manager SEPT6-06-465 WARD 3
- M. BOARDS, COMMITTEES AND COMMISSIONS: AMENDING THE MEMBERSHIP REQUIREMENTS FOR THE TECHNOLOGY POLICY ADVISORY COMMITTEE
1. Report from City Manager SEPT6-06-466 CITY-WIDE
 2. Ordinance No. 10315 relating to Boards and Commissions; amending Section 10A-171(a) of the Tucson Code to allow members of the Technology Policy Advisory Committee to reside outside the corporate limits of the City of Tucson; and declaring an emergency.
- N. REAL PROPERTY: FIRST AMENDMENT TO THE LEASE AGREEMENT WITH SILVERBELL HOMES LIMITED PARTNERSHIP
1. Report from City Manager SEPT6-06-467 WARD 1
 2. Ordinance No. 10316 relating to real property; authorizing and approving the First Amendment to the Ground Lease with Silverbell Homes Limited Partnership, authorizing and approving the First Amendment to First Mortgage Note with Silverbell Homes Limited Partnership; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced a clerical correction to Consent Agenda Item N. On Exhibit A to Ordinance 10316, the property description of the land inadvertently included one of the lots as Lot 19, and it should have been Lot 29.

- O. GRANT APPLICATION: SUBMISSION OF A GRANT APPLICATION TO THE PASCUA YAQUI TRIBE – REVENUE SHARING PROGRAM
1. Report from City Manager SEPT6-06-469 WARD 3

2. Resolution No. 20441 relating to grants; approving and authorizing submission of a grant application to the Pascua Yaqui Tribe - Revenue Sharing Program; and declaring an emergency.
- P. GRANTS: ACCEPTANCE OF A GRANT FROM THE PASCUA YAQUI TRIBE FOR NEIGHBORHOOD CENTER COMPUTER LABS
1. Report from City Manager SEPT6-06-470 CITY-WIDE
 2. Resolution No. 20442 relating to grants; approving and authorizing acceptance of the Pascua Yaqui Tribe grant in the amount of \$98,130.76 for the City of Tucson neighborhood center computer labs; and declaring an emergency.
- Q. ENVIRONMENT: ENDORSEMENT OF THE U.S. MAYORS' CLIMATE PROTECTION AGREEMENT
1. Report from City Manager SEPT6-06-471 CITY-WIDE
 2. Resolution No. 20443 relating to the environment; endorsing the U.S. Mayors' Climate Protection Agreement authorizing participation by the City of Tucson for climate protection; and declaring an emergency.
- Item Q was considered separately at the request of Council Member Trasoff.
- R. LIBRARY SERVICES: INTERGOVERNMENTAL AGREEMENT WITH THE PIMA COUNTY FREE LIBRARY DISTRICT FOR EL PUEBLO LIBRARY MAINTENANCE SERVICES
1. Report from City Manager SEPT6-06-472 WARD 5
 2. Resolution No. 20444 relating to library services; approving the Intergovernmental Agreement between the City of Tucson and Pima County Free Library District for El Pueblo Library Maintenance Services; and declaring an emergency.
- S. LIBRARY SERVICES: ASSIGNMENT OF THE INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF ORO VALLEY TO THE PIMA COUNTY FREE LIBRARY DISTRICT
1. Report from City Manager SEPT6-06-473 CITY-WIDE
 2. Resolution No. 20445 relating to library services; approving the assignment of the Intergovernmental Agreement between the City of Tucson and the Town of Oro Valley for library services to Pima County Free Library District; and declaring an emergency.

T. DEVELOPMENT AND PURCHASE AGREEMENT: WITH TOWN WEST DESIGN DEVELOPMENT, INC.

1. Report from City Manager SEPT6-06-474 WARD 1
2. Resolution No. 20450 relating to development; approving and authorizing a Development and Purchase Agreement with Town West Design Development, Inc., and the Rio Nuevo Multipurpose Facilities District for the development of the El Mirador Development Project; and declaring an emergency.

U. APPROVAL OF MINUTES

1. Report from City Manager SEPT6-06-475 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on August 8, 2006 and the Special Meeting held February 21, 2006.

V. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO BUDDY WALK OF SOUTHERN ARIZONA FOR THE TUCSON BUDDY WALK 2006 COMMUNITY EVENT

1. Report from City Manager SEPT6-06-477 WARD 3
2. Resolution No. 20449 relating to Finance; approving and authorizing the allocation of five hundred dollars (\$500) from the Community Support Fund, Account No. 001-183-1898-268, to Buddy Walk of Southern Arizona for the Tucson Buddy Walk 2006; and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows: Council Member Uhlich - \$500.00.

Item V was considered separately at the request of Council Member Scott and Mayor Pro-Tempore West.

W. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO PLANNED PARENTHOOD OF SOUTHERN ARIZONA FOR THE *REAL LIFE. REAL TALK.* PROGRAM

1. Report from City Manager SEPT6-06-478 WARD 3
2. Resolution No. 20446 relating to Finance; approving and authorizing the allocation of two hundred dollars (\$200) from the Community Support Fund, Account No. 001-183-1898-268, to support Planned Parenthood of Southern Arizona; and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows:
Council Member Uhlich - \$200.00

Item W was considered separately at the request of Council Member Scott.

X. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO COX CHARITY FOR THE COX ROX! CONCERT FOR A YOUTH DRUG PREVENTION PROGRAM

1. Report from City Manager SEPT6-06-479 WARD 3
2. Resolution No. 20447 relating to Finance; approving and authorizing the allocation of one hundred dollars (\$100) from the Community Support Fund, Account No. 001-183-1898-268, to support Cox Charity; and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows:
Council Member Uhlich - \$100.00.

Item X was considered separately at the request of Council Member Scott.

Y. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS FOR THE 18TH ANNUAL YOUTH LEADERSHIP CONFERENCE

1. Report from City Manager SEPT6-06-480 WARD 3
2. Resolution No. 20448 relating to Finance; approving and authorizing the allocation of two hundred dollars (\$200) from the Community Support Fund, Account No. 001-183-1898-268, to support the League of United Latin American Citizens (LULAC); and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows:
Council Member Uhlich - \$200.00.

Item Y was considered separately at the request of Council Member Scott.

It was moved by Council Member Uhlich, duly seconded, that Consent Agenda Items A and B, with Items C and D being continued, and Items F through M, Item N with the clerical correction; and Items O through Y, with the exception of Items E, Q, V, W, X, and Y, which would be considered separately, be passed and adopted and the proper action taken.

Mayor Pro-Tempore West asked if there was further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, Trasoff;
and Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

Consent Agenda Items A through Y, with the noted clerical correction to Item N, and with the exception of Items C, D, E, Q, V, W, X, and Y were declared passed and adopted by a roll call vote of 6 to 0.

6. CONSENT AGENDA – ITEM E

E. FINANCIAL PARTICIPATION AGREEMENT: WITH TUCSON-PIMA ARTS COUNCIL

1. Report from City Manager SEPT6-06-454 CITY-WIDE
2. Resolution No. 20435 relating to Financial Participation Agreements; authorizing and approving the FY 2007 Financial Participation Agreement with Tucson-Pima Arts Council; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced the first item to be considered separately was Consent Agenda Item E, due to a conflict of interest previously filed by Council Member Uhlich, who would not be participating in any discussion nor the vote on Item E.

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Item E, be passed and adopted and the proper action taken.

Mayor Pro-Tempore West asked if there was any discussion.

Council Member Leal advised the City Manager that as the Council moved forward on the agreement, he knew there was some interest in the community to ensure that the Board of the Tucson-Pima Arts Council (TPAC) reflected the community, as was the requirement for all Boards and Commissions and Outside Agencies. He said staff needed to do an analysis to see this was being adhered to. While they looked at TPAC on that issue, they should be mindful that all were compliant. Secondly, he said a question was raised as to whether the Minority and Women-Owned Business Enterprise Program's policy had ever been applied to the public art process. He said he would not make his vote contingent on that, but asked the City Manager to reply back to the Council in a memo.

Mike Hein, City Manager, said he thought it was fairly well-known in the community, among staff, and the Chair of the Tucson-Pima Arts Council, and he thought the Vice Mayor did a good job of summarizing where they were as an organization during the study session, in regard to opportunity for changes. He said he tried to impress upon them some of the concerns on diversity and accountability, and was fairly confident it had been communicated well. Regarding the Minority and Women-Owned Business Enterprises policy and public arts projects, staff would look into it and get back to the Council as soon as they could.

Mayor Pro-Tempore West asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Scott, Leal, and Trasoff;
Mayor Pro-Tempore West

Nay: None

Conflict of Interest: Council Member Uhlich

Absent/Excused: Mayor Walkup

Consent Agenda Item E was declared passed and adopted by a roll call vote of 5 to 0.

6. CONSENT AGENDA – ITEM Q

Q. ENVIRONMENT: ENDORSEMENT OF THE U.S. MAYORS' CLIMATE PROTECTION AGREEMENT

1. Report from City Manager SEPT6-06-471 CITY-WIDE
2. Resolution No. 20443 relating to the environment; endorsing the U.S. Mayors' Climate Protection Agreement authorizing participation by the City of Tucson for climate protection; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced the next item to be considered separately was Item Q, at the request of Council Member Trasoff.

Council Member Trasoff wanted to make a statement about how important it was that they move forward as a community to look at how the City could reduce greenhouse gases and evaluate emissions. She said they had done a wonderful job as a city, starting to move more towards Hybrids and looking at small steps. This was not just a resolution to make a resolution, but to renew the City's commitment to finding other ways of doing business that would protect the climate and the community.

It was moved by Council Member Trasoff, and duly seconded, that Consent Agenda Item Q be passed and adopted and the proper action taken.

Mayor Pro-Tempore West asked if there was further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;
Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

Consent Agenda Item Q was declared passed and adopted by a roll call vote of 6 to 0.

6. CONSENT AGENDA – ITEM V

V. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO BUDDY WALK OF SOUTHERN ARIZONA FOR THE TUCSON BUDDY WALK 2006 COMMUNITY EVENT

1. Report from City Manager SEPT6-06-477 WARD 3
2. Resolution No. 20449 relating to Finance; approving and authorizing the allocation of five hundred dollars (\$500) from the Community Support Fund, Account No. 001-183-1898-268, to Buddy Walk of Southern Arizona for the Tucson Buddy Walk 2006; and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows: Council Member Uhlich - \$500.00.

Kathleen S. Detrick, City Clerk, announced the next item to be considered separately was Item V, at the request of Council Member Scott and Mayor Pro-Tempore West.

Council Member Scott said she would be donating one hundred dollars to the event.

Mayor Pro-Tempore West, on behalf of the Mayor, said that he would be donating one hundred dollars, and she said she would also donate one hundred dollars.

It was moved by Council Member Leal, duly seconded, that Consent Agenda Item V be passed and adopted and the proper action taken.

Ms. Detrick confirmed the amount of money being contributed. She said the original amount was five hundred dollars. The Council added an additional three hundred dollars, making the total amount eight hundred dollars. Ms. Detrick said the resolution would be amended appropriately.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;
Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

Consent Agenda Item V, as amended, was declared passed and adopted by a roll call vote of 6 to 0.

6. CONSENT AGENDA – ITEM W

W. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO PLANNED PARENTHOOD OF SOUTHERN ARIZONA FOR THE *REAL LIFE. REAL TALK.* PROGRAM

1. Report from City Manager SEPT6-06-478 WARD 3
2. Resolution No. 20446 relating to Finance; approving and authorizing the allocation of two hundred dollars (\$200) from the Community Support Fund, Account No. 001-183-1898-268, to support Planned Parenthood of Southern Arizona; and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows:
Council Member Uhlich - \$200.00

Kathleen S. Detrick, City Clerk, announced the next item to be considered separately was Consent Agenda Item W, at the request of Council Member Scott.

Council Member Scott announced she would be donating one hundred dollars to the event.

Council Member Ibarra announced Ward 1 would also be donating one hundred dollars.

Council Member Trasoff announced Ward 6 would also be donating one hundred dollars.

Council Member Leal said he did not have the write up on that item, and asked who was initially contributing.

Ms. Detrick stated it was a request by Council Member Uhlich, who would be contributing two hundred dollars.

Council Member Leal said he would also be donating two hundred dollars.

It was moved by Council Member Scott, duly seconded, to pass and adopt Consent Agenda W, amended to include the additional funding.

Ms Detrick said the original contribution was two hundred dollars, and an additional six hundred was added, bringing the total to eight hundred dollars.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;
Mayor Pro Tempore West

Nay: None

Absent/Excused: Mayor Walkup

Consent Agenda Item W, as amended, was declared passed and adopted by a roll call vote of 6 to 0 (Mayor Walkup absent/excused.)

6. CONSENT AGENDA – ITEM X

X. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO COX CHARITY FOR THE COX ROX! CONCERT FOR A YOUTH DRUG PREVENTION PROGRAM

1. Report from City Manager SEPT6-06-479 WARD 3
2. Resolution No. 20447 relating to Finance; approving and authorizing the allocation of one hundred dollars (\$100) from the Community Support Fund, Account No. 001-183-1898-268, to support Cox Charity; and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows:
Council Member Uhlich - \$100.00.

Kathleen S. Detrick, City Clerk, announced the next item to be considered separately was Consent Agenda Item X, at the request of Council Member Scott.

Council Member Scott announced she would be donating one hundred dollars.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Item X be passed and adopted and the proper action taken.

Ms. Detrick clarified that Consent Agenda Item X started with a contribution of one hundred dollars from Council Member Uhlich, and Council Member Scott contributed an additional one hundred dollars, making the contribution a total of two hundred dollars for the amended resolution.

Mayor Pro-Tempore West asked if there was any further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;
Mayor Pro Tempore West

Nay: None

Absent/Excused: Mayor Walkup

Consent Agenda Item X, as amended, was declared passed and adopted by a roll call vote of 6 to 0.

6. CONSENT AGENDA – ITEM Y

Y. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS FOR THE 18TH ANNUAL YOUTH LEADERSHIP CONFERENCE

1. Report from City Manager SEPT6-06-480 WARD 3
2. Resolution No. 20448 relating to Finance; approving and authorizing the allocation of two hundred dollars (\$200) from the Community Support Fund, Account No. 001-183-1898-268, to support the League of United Latin American Citizens (LULAC); and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows:
Council Member Uhlich - \$200.00.

Kathleen S. Detrick, City Clerk, announced the final item to be considered separately was Item Y, at the request of Council Member Scott.

Council Member Scott announced she would be donating one hundred dollars to this event.

Council Member Ibarra announced Ward 1 would also be donating one hundred dollars.

Mayor Pro-Tempore West announced she would be donating five hundred dollars, and Mayor Walkup would be donating two hundred dollars.

Council Member Trasoff announced Ward 6 would also be donating one hundred dollars.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Item Y, as amended, be passed and adopted and the proper action taken.

Ms. Detrick clarified the motion. She said the original donation was two hundred dollars made by Council Member Uhlich. Added to that was an additional thousand, bringing the total to one thousand two hundred dollars.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;
Mayor Pro Tempore West

Nay: None

Absent/Excused: Mayor Walkup

Consent Agenda Item Y, as amended, was declared passed and adopted by a roll call vote of 6 to 0.

7. CALL TO THE AUDIENCE

Mayor Pro-Tempore West announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for thirty minutes.

- a. Ken Scoville spoke about Consent Agenda Item G and advocated historic preservation of Oracle Road.
- b. Charles Alexander spoke about Consent Agenda Item T. He asked the Mayor and Council to consider giving protection to other buildings in the Tucson Historic Warehouse Arts District for a long-term life, and using the Warehouse Arts District Master Plan for guidance.
- c. Colleen Crowninshield applauded the Mayor and Council for their decision to support Consent Agenda Item Q, and their efforts to build a sustainable community for the future of Tucson.

- d. Russ Dove spoke about permits for public events, being arrested on August 17, 2006, abiding by the Federal and State Constitutions, PEG (public, educational and government) channels, solar cycles and global warming.
- e. Michael Toney spoke about Rio Nuevo, the *Land Use Code*, development of the Post project, the proposed location of the University of Arizona Science Center, and the use of technology to address global warming.
- f. Wanda Felix spoke about “buddy punching,” and said City of Tucson employees did not cheat.
- g. Robert Urbina spoke about “buddy punching” at Environmental Services Department, and the loss of a good manager, Richard Garza.
- h. Don Slayman, of the National AFL-CIO (American Federation of Labor - Congress of Industrial Organizations) spoke about compensating the workers with early departures when the task was done for the day.
- i. Alan Lee, of AFSCME (American Federation of State, County and Municipal Employees) International, and AFSCME Local 449, spoke about the negative effects of media coverage of employees who finished their jobs early and left with their supervisors’ permission.
- j. Natasha Winnik spoke in opposition to Consent Agenda Item T, the Development and Purchase Agreement with Town West. She said she was very disappointed the Mayor and Council decided to allow the largest parcel in the Warehouse Arts District to be used for non arts purposes.
- k. Tom Spangler spoke in opposition to Consent Agenda Item T, the Town West Development and Purchase Agreement with Town West. He said he was very frustrated the Council approved the agreement, considering the overwhelming opposition expressed in Public Hearings in May. He said Council Members did not appear to represent their constituents, because they did not try to facilitate an agreement in support of the members and residents of the Arts District.

RECESS: 7:14 p.m.

RECONVENE: 7:20 p.m.

Kathleen S. Detrick, City Clerk, announced Council Member Scott was present and participating via telephone.

The meeting was called to order by Vice Mayor West and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4 (Electronic Attendance)
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Carol W. West	Mayor Pro-Tempore, Vice Mayor, Council Member Ward 2

Absent/Excused:

Robert E. Walkup	Mayor
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8. PUBLIC HEARING: CHANGE OF PROJECT SCOPE – ARROYO CHICO WASH IMPROVEMENT (CONTINUED FROM THE MEETING OF AUGUST 8, 2006)

Mayor Pro-Tempore West announced City Manager's communication number 444, dated September 6, 2006 would be received into and made a part of the record. She announced the Parks and Recreation Director would make a brief presentation before proceeding with the public hearing.

Fred Gray, Parks and Recreation Director, announced this public hearing had been continued because Pima County had some question regarding the change of scope of this project. They wanted the City to publicly disclose that the one million dollars in Pima County 2004 Bond funds for the Arroyo Chico Project for this particular segment covered approximately one third of the total cost of the project. The City of Tucson submitted grants and applications for Regional Transportation Authority (RTA) funding and the City would make up the difference in future bonds, RTA and grant funding. The Pima County funding would only cover about a third of the project.

Mayor Pro-Tempore West announced this was the time and place legally advertised for a public hearing regarding the Arroyo Chico Wash Improvements Project. She said the public hearing was scheduled to last no more than one hour and speakers were limited to five-minute presentations. She called on the first speaker.

Gary Smith, Pastor of Bethel Community Baptist Church, said he wished they had more people from their church there. He knew they were building up the wash so people did not get washed away when they tried to drive through it, but he got a better understanding of it last night when one of the ladies from church saw the article in the Tucson Citizen and called him. The church had been there for about fifty-six years and he went there as a child. It was a valuable asset to the community. Not only was it a place for neighbors to worship but they were also able to help a lot of the homeless people. He said Richard McCorkill, an old railroad man built the church, with a big bell they were able to ring, and there was a lot of good history to the church.

Mr. Smith said the location was not high profile, but when the church was first built, the area with the stadium and soccer fields was all Davis Monthan housing. It was a real ministry to people near there, but they also drew a lot of people from all over Tucson. He said the area proposed for bike paths was basically an industrial area. There were some people who walked around there, but a lot of the times they just walked down by the University of Arizona. He said he ran a lot, and he was always looking for different places to run. If it meant crossing a bunch of streets, that was a pain, so he would head to where there were not that many cross streets, or he would go to the Rillito River path. He said with this proposal, cyclists or runners would be repeatedly stopping and going. Alternative number two would accomplish the same thing as far as creating a place for people to ride bicycles and walk, but it would allow them to continue to worship there, in a church with many people who had been there since its inception.

Mr. Smith said they loved their church dearly. When he decided to get back into ministry, he thought of the kind of church he would want for his first senior pastorate, and he thought back to Bethel Community Baptist. He said they were known for their love and compassion. He asked Council not to condemn it and force them to move or go somewhere else. He said they loved our church, they cared for it dearly, and a lot of people would be very hurt if they had to leave.

Mayor Pro-Tempore West recommended Mr. Gray speak with Mr. Smith and explain how this project might affect the church.

Mayor Pro-Tempore West asked if there was anyone else who wished to be heard on this item.

Michael Toney apologized for being late and asked if they had already described the project.

Mayor Pro-Tempore West said Mr. Gray made a brief presentation earlier, and asked if he wanted to elaborate on that.

Mr. Gray stated that this was basically a discussion regarding a change of scope for Pima County Bond funds, regarding a segment of trail for the urban pathway system on the Arroyo Chico Wash. The entire trail system would run from the snake bridge on Broadway to Alvernon and have several trail connectors. This particular segment would

be from Campbell Avenue east to Parkway Terrace, and was one component of that particular trail segment.

Michael Toney asked if there was intention to preserve the vegetation, without much ground coverage.

Mr. Gray responded it would be a trail system with riparian habitat and restoration, so it would be more of a natural trail system. It was part of the Pima County Bond program and the reason they were there was to change the scope. The original scope of the bond project called for planning and design work and they needed to change the scope to include the opportunity to acquire land with the Pima County Bond funds.

Mr. Toney said he assumed Pima County was working in conjunction with the City. He thanked Mr. Gray for the explanation.

Mayor Pro-Tempore West asked if there was anyone else in the audience wishing to be heard on this item. There was no one.

It was moved by Council Member Trasoff, duly seconded, to close the public hearing.

Mayor Pro-Tempore West asked if there was further discussion. Upon hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, Trasoff;
and Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

The public hearing was declared closed by a roll call vote of 6 to 0.

Mayor Pro-Tempore West asked the City Clerk to read Resolution 20410 by number and title only.

Resolution No. 20410 relating to parks; requesting the Pima County Board of Supervisors modify the Arroyo Chico Wash Improvement Project contained in the 2004 Pima County General Obligation Bond Program; and declaring an emergency.

Council Member Trasoff asked Mr. Gray to clarify for her and her colleagues if the Bethel Community Baptist Church was in the path of what was being designed.

Mr. Gray said it was in the general vicinity, and they did not intend to try to condemn anything. He said there were opportunities to go around and modify the trail system to accommodate that.

Council Member Trasoff asked if it was possible to have the trail system, acquire the land they needed, and if necessary use the Pima County Bond money for that unless other funds became available before then, and also to preserve and protect the church.

Mr. Gray said that was correct, and in the design process they would have community meetings with regard to that design.

Council Member Trasoff said she presumed that, in any process such as this, the neighborhoods and the community members would have input into the exact trail alignment.

Mike Hein, City Manager, said, practically speaking, they would not condemn a church and any acquisition would have to be approved by either the Mayor and Council or Pima County.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Resolution 20410.

Mayor Pro-Tempore West asked if there was further discussion. Upon hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, Trasoff;
and Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

Resolution 20410 was declared passed and adopted by a roll call vote of 6 to 0.

**9. PUBLIC HEARING: ZONING (C9-00-36) LEWIS FAMILY LLC –
IRVINGTON ROAD R-1 AND R-2 TO C-2, REACTIVATION AND TIME
EXTENSION**

Mayor Pro-Tempore West announced City Manager's communication number 461, dated September 6, 2006, would be received into and made a part of the record. She also announced this was the time and place legally advertised for a public hearing on a request for a five-year time extension for the completion of the rezoning conditions and that the public hearing was scheduled to last for no more than one hour.

Mayor Pro-Tempore West asked if the applicant or a representative was present.

Michael Marks, MJM Consulting, Inc., said he was representing the Lewis Family, and with him was Scott Lewis. He said they submitted a letter through the Development Services Department requesting a continuance. There were a few conditions that were added subsequent to the request for time extension and they would like additional time to talk to staff and see if they could work out some differences. Mr. Marks said they were extremely optimistic they would be able to do that if they had additional time. They would be back as soon as possible and he thought they would be in complete agreement at that point.

Mayor Pro-Tempore West asked if there were any speakers, as this was advertised as a public hearing. Then they could determine whether or not to continue this item. She said speakers would be limited to five-minute presentations and called on the first speaker.

Rick Berardi, La Mesa RV Vice President of Operations, said La Mesa RV owned the property on Irvington Road across Country Club from the proposed project, and they received notice of the project with the public hearing notice that was sent out. He said he thought staff did a great job in all the delineation with regard to the project. He stated they obviously had a use similar to what the applicant was proposing. In RV sales and services they had maintenance issues and the same kinds of traffic issues. He said there were some things in the plan that might impact the traffic flow, which could cause some concern. Irvington and Country Club Road was the fifty-fourth worst intersection in the City of Tucson with the number of accidents because of the volume of traffic. In 2003, roughly thirty-seven thousand cars passed through that particular intersection daily. An RV sales and service operation would not generate any more impact than La Mesa did; on a three-acre lot it would be insignificant overall. The addition of an RV car wash or car wash on that lot could generate a significant amount of traffic that could be a concern, but it may not. He said it was something the traffic study ought to review. A traffic study was done in 2003 on this project and he thought it should be reviewed. Otherwise, he did not think they had any significant issues associated with the project. They would like to know a time line, and what the impact might be for the construction. There were Irvington Road deceleration/acceleration lane issues proposed in the plan that could impact the traffic on Irvington, without impacting his business, and they would like those things to be looked at in the planning process. He anticipated this would come up again due to the continuance.

Council Member Leal said he spoke with Mr. Marks and had no problem with the request for a continuation. He said he did not know if they needed to indicate a specific amount time or just to bring it back when they were done. He asked if the applicant had a specific amount of time in mind.

Mr. Marks said when he asked staff whether to state a specific time, he was advised it was preferable not to include a time. He said he would like to be back in three weeks, but it was not all his doing.

Council Member Leal said a time did not need to be specified, but he wanted to clear that with Mr. Marks. He said he would move to continue this to a date to be determined upon the conclusion of the work at hand.

It was moved by Council Member Leal, duly seconded, to close the public hearing.

Upon roll call, the results were:

Aye: Council Members Uhlich, Scott, Leal and Trasoff;
Mayor Pro-Tempore West

Nay: Council Member Ibarra

Absent/Excused: Mayor Walkup

The public hearing was declared closed by a roll call vote of 5 to 1.

It was moved by Council Member Leal, duly seconded, to continue Item 9 to a future date upon the conclusion of the work by the principles.

Mayor Pro-Tempore West asked if there was further discussion. Upon hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;
Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

Item 9 was continued to a future date, upon the conclusion of the work by the principles, by a roll call vote of 6 to 0.

10. ZONING: (C9-89-20) ESTES – VALENCIA ROAD, O-3 TO C-1, CHANGE OF CONDITION AND PRELIMINARY DEVELOPMENT PLAN, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF AUGUST 8, 2006)

Mayor Pro-Tempore West announced City Manager's communication number 451, dated September 6, 2006, would be received into and made a part of the record. She also asked if the applicant or a representative was present.

Tony Tsang, A.C. Tsang Engineering Group, Inc., on behalf of the property owner, Midvale-Valencia LLC Investors, stated he had appeared before the Mayor and Council last month and asked for a thirty-day continuance so that they could meet with the neighbors. He said they did meet and he believed they came to an understanding and resolved all the issues. He said they were also in agreement with the staff report and would comply with all the conditions. He said he would be happy to answer any questions.

Mayor Pro-Tempore West asked the City Clerk to read Ordinance 10307 by number and title only.

Ordinance No. 10307 relating to zoning: amending rezoning conditions in the area located at the northwest corner of Valencia Road and Commerce Court Road in Case C9-89-20 (RZ06-61) Estes – Valencia Road, O-3 to C-1; and declaring an emergency.

It was moved by Council Member Ibarra, duly seconded, to approve the request for a change of conditions and preliminary development plan and pass and adopt Ordinance 10307.

Mayor Pro-Tempore West asked if there was further discussion. Upon hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;
Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

Ordinance 10307 was declared passed and adopted by a roll call vote of 6 to 0.

11. ZONING: (C9-06-10) LLDN – VALENCIA ROAD, R-2 TO C-1, CITY MANAGER’S REPORT

Mayor Pro-Tempore West announced City Manager’s communication number 463, dated September 6, 2006, would be received into and made a part of the record. She stated this was a request to rezone property located on the southwest corner on Valencia Road and Nogales Highway. The Zoning Examiner recommended denial of the C1 and C2 zoning, and staff recommended that the request be remanded back to the Zoning Examiner.

Mayor Pro-Tempore West asked if the applicant or representative was present.

William Podolsky, on behalf of the property owner, LLDN Development Company, stated they would go along with the staff recommendation and were requesting this be remanded back to the Zoning Examiner for additional information with regard to safety concerns.

It was moved by Council Member Ibarra, duly seconded, to remand the matter back to the Zoning Examiner for a new public hearing to seek the additional information.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;
Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

The motion to remand Zoning Case C9-06-10 back to the Zoning Examiner was declared passed and adopted by a roll call vote of 6 to 0.

12. ZONING: (C9-02-32) A-C INVESTMENT – AJO WAY, R-1/R-2 AND I-1 TO I-1, ORDINANCE ADOPTION

Mayor Pro-Tempore West announced City Manager's communication number 456, dated September 6, 2006, would be received into and made a part of the record.

Mayor Pro-Tempore West asked the City Clerk to read Ordinance 10313 by number and title only.

Ordinance No. 10313 relating to zoning: amending zoning district boundaries in the area located at the northeast corner of Ajo Way and the Ajo/Kino Interchange in Case C9-02-32, A-C Investment – Ajo Way, R-1, R-2 and I-1 to I-1; and setting an effective date.

It was moved by Council Member Leal, duly seconded, to pass and adopt Ordinance 10313.

Mayor Pro-Tempore West asked if there was further discussion. Upon hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;
Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

Ordinance 10313 was declared passed and adopted by a roll call vote of 6 to 0.

13. ZONING: (C9-06-13) BRAKE MASTERS – HARRISON ROAD, C-1 TO C-2, CITY MANAGER’S REPORT

Mayor Pro-Tempore West announced City Manager’s communication number 462, dated September 6, 2006, would be received into and made a part of the record. She announced this was a request to rezone property near Harrison Road and Twenty-Second Street. The Zoning Examiner and Development Services recommended approval subject to certain conditions.

Mayor Pro-Tempore West asked if the applicant or representative was present and if they were aware of and agreeable to the proposed requirements.

Jim Egan, Heights Properties LLP, said he was agreeable to the proposed requirements.

It was moved by Council Member Scott, duly seconded, to authorize the request for rezoning as recommended by the Zoning Examiner.

Mayor Pro-Tempore West asked if there was further discussion. Upon hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, Trasoff; and
Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

The motion to authorize the request for rezoning was declared passed and adopted by a roll call vote of 6 to 0.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Pro-Tempore West announced City Manager's communication number 450, dated September 6, 2006, would be received into and made a part of the record.

Mayor Pro-Tempore West asked for a motion to approve the appointments in the report.

It was moved by Council Member Scott, duly seconded, to ratify to the Pima County Tucson Women's Commission, Isabella Soto and Samantha Paz as a Youth Members; to appoint Mary Ellen Wooten to the Downtown Links Citizens Advisory Committee representing the Tucson Pima Arts Council.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;
Mayor Pro-Tempore West

Nay: None

Absent/Excused: Mayor Walkup

The motion to ratify the appointment of Isabella Soto and Samantha Paz as Youth Members to the Pima County Tucson Women's Commission, and to appoint Mary Ellen Wooten to the Downtown Links Citizens Advisory Committee as a representative of the Tucson Pima Arts Council, was declared passed and adopted by a roll call vote of 6 to 0.

15. ADJOURNMENT: 7:50 p.m.

Mayor Pro-Tempore West announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 12, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 6th day of September 2006, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:rg/sl